

Message Text

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PAGE 01 VALLET 01295 271623 Z

43

ACTION IO-14

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TAGS: UN; PBOR

SUBJ: PACEM IN MARIBUS CONFERENCE ADOPTS COMPREHENSIVE GLOBAL
APPROACH TO LAW OF THE SEA (LOS)

1. SUMMARY. PACEM IN MARIBUS (PIM), MEETING JUNE 23-27, ADOPTED
COMPREHENSIVE APPROACH TO LOS PROBLEMS SIMILAR TO THAT ADVOCATED
BY AMBASSADOR ARVID PARDO (MALTA) OVER PAST TWO YEARS. RECOMM-
ENDATIONS TO UN SEABED COMMITTEE ADOPTED BY PIM WERE SO ILL
ADVISED THAT STU MCINTYRE (ADVISOR, US DEL TO UN SEABED COMMITTEE)
ONLY USG OFFICIAL FROM WASHINGTON ATTENDING, DISASSOCIATED HIMSELF
FROM THEM. SEABED COMMITTEE CHAIRMAN AMERASINGHE SENT PIM HIS
VIEWS RE PROBABLE COMPROMISE OF LOS CONFERENCE, INCLUDING
MAXIMUM BREADTH OF TERRITORIAL SEAS OF 12 MILES AND INNOCENT
PASSAGE THROUGH STRAITS FALLING WITHIN TERRITORIAL SEAS OF
OPPOSITE STATES. END SUMMARY.

2. PIM RECOMMENDED, INTER ALIA, THAT CONCEPT OF FREEDOM OF
HIGH SEAS BE REGARDED AS NO LONGER VALID; THAT THE COMMON
HERITAGE CONCEPT BE EXTENDED TO ALL OCEAN SPACE AND ALL
LIVING AND NON- LIVING RESOURCES BEYOND NATIONAL JURISDICTION;
THAT LIVING RESOURCES BEYOND NATIONAL JURISDICTION BE REGULATED
BY THE INTERNATIONAL MACHINERY; THAT BENEFITS FROM LIVING
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PAGE 02 VALLET 01295 271623 Z

AND NON- LIVING RESOURCES, BOTH WITHIN AND OUTSIDE OF NATIONAL JURISDICTION, SHOULD BE EQUITABLY SHARED; AND THAT THE OCEAN REGIME MACHINERY SHOULD BE REGULATORY POWERS OVER MAJOR PEACEFUL USES OF OCEAN SPACE.

3. DRAFT RECEIVED PARTICULARLY STRONG SUPPORT FROM AMBASSADOR GALINDO POHL (EL SALVADOR), CHAIRMAN OF SUBCOMMITTEE II OF UN SEABED COMMITTEE. IT WENT VIRTUALLY UNCRITICIZED EXCEPT BY MCINTYRE, WHO ATTACKED PROCEDURE OF RAMMING SUCH RECOMMENDATIONS THROUGH WITH ALMOST NO DISCUSSION AND POINTED OUT SERIOUS DANGERS OF PROPOSALS REGARDING HIGH SEAS FREEDOM AS NO LONGER VALID; EXTENDING COMMON HERITAGE CONCEPT AND SHARING OF BENEFITS TO ALL OCEAN SPACE AND ITS RESOURCES; AND EXTENDING REGULATORY CONTROL OVER ALL USES INCLUDING SCIENTIFIC RESEARCH AND MILITARY ACTIVITIES. EFFECT RE LATTER WAS PARTICULARLY PERNICIOUS. HE DISASSOCIATED HIMSELF FROM DRAFT WHEN IT BECAME APPARENT THAT IT WOULD BE ADOPTED ESSENTIALLY UNCHANGED. AFTER DEBATE CONCLUDED, ROMANIAN PROFESSOR SILVIU BRUCAN, EVIDENTLY CONCERNED ABOUT PROPOSED ABANDONMENT OF HIGH SEAS FREEDOMS, INTERVENED TO ASK THAT RECOMMENDATIONS BE FORWARDED TO SEABED COMMITTEE, WITH QUALIFICATION THAT THEY REPRESENT " PREVAILING VIEW" OF PIM, AND THIS WILL BE DONE.

4. DURING ITS PROCEEDINGS PIM REVIEWED OCEAN ENERGY SITUATION, DISCUSSED LEGAL/ INSTITUTIONAL PROBLEMS RE LOS CONFERENCE, MEDITERRANEAN COOPERATION, AND CARIBBEAN STUDY PROJECT. RELATTER, AMERICAN PROFESSOR THOMAS MATTHEWS, DIRECTOR OF INSTITUTE FOR CARIBBEAN STUDIES, PUERTO RICO, BITTERLY CRITICIZED US MILITARY PRESENCE IN CARIBBEAN.

5. UN SEABED COMMITTEE CHAIRMAN AMERASINGHE WAS UNABLE TO ATTEND PIM IN PERSON BUT SENT STATEMENT DISCRIBING OUTLINES OF EMERGING LOS AGREEMENT AS HE SEES THEM, VIZ: TERRITORIAL SEA WITH MAXIMUM BREADTH OF 12 MILES; ACCEPTANCE OF AN EXCLUSIVE ECONOMIC ZONE WITH CERTAIN INTERNATIONAL RULES AND STANDARDS WITHIN THE ZONE ENFORCED BY THE COASTAL STATE; AGREEMENT TO NO MORE THAN THE RIGHT OF INNOCENT PASSAGE THROUGH STRAITS FLLING WITHIN THE TERRITORIAL SEAS OF OPPOSITE STATES, AND AN EFFECTIVE, EQUITABLE SYSTEM OF DISPUTE SETTLEMENT BY AN INDEPENDENT TRIBUNAL.

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